

Application to amend Case 7:16-cr-00361-CS Document 369 Filed 04/30/21 Page 1 of 4 does he already had and declined the opportunity to amend, and presents no reason why he should be permitted to do so now, when it would prejudice the Government which has already responded to the Petition. Petitioner's opposition is due 5/17/21, but if he needs more time he may have until 6/1/21. The Clerk shall docket this endorsement in 20-CV-10086 and 16-CR-361, and send a copy to Petitioner.

SO ORDERED.

Cathy Seibel
CATHY SEIBEL, U.S.D.J.

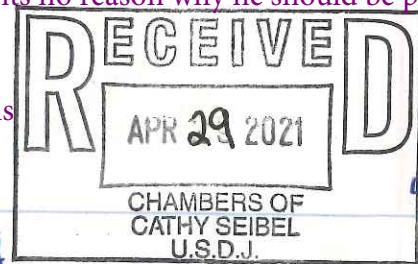
Name: Gayle V. U.S.A

cket No: 20cv10086

ict Judge Assigned: Cathy Seibel

istrict Judge Assigned: Andrew E. Krause

4/30/21



Dear Honorable Judge Cathy Seibel,

I, Tyrin Gayle, respectfully submits this letter asking for your authorization to supplement my 2255 Motion Under Rule 15(a)(1)(B), in regards to my ineffective assistance of counsel claim, and my insufficiency of evidence claim to support that my 924(c) conviction is unconstitutional. Under Rule 15(a)(1)(b) it states that I don't need permission from the presiding Judge or the defending, but I'm also seeking more time if it takes more time than I have to respond to the government's response. I will like to "Supplement" not "amend" the Motion, because I just need to add a few things to clear the record.

Dated: April 22, 2021

Respectfully,
Tyrin Gayle
x G. Gayle

WHAT DO I DO AFTER I FILE MY COMPLAINT?

How do I serve the summons and complaint?

If you filed an Application to Proceed Without Prepaying Fees or Costs (also called an IFP application) and it was granted, the judge assigned to your case will enter an "Order of Service" or "Order to Answer." *You must follow any directions in that order.* If the judge directs the Clerk's Office to send you a U.S. Marshals Service form (USM-285 form) for a particular defendant and directs you to fill it out, you must complete the form for that defendant and return it to the Pro Se Intake Unit. The Marshals Service will then serve the summons and complaint on the defendant at no cost to you. Do not send in a USM-285 form for a defendant unless the order directs you to do so for that defendant. If your IFP application was granted, it is not necessary for you to determine on your own how to serve the summons and complaint, unless you choose not to rely on the Marshals Service for service.

If you did not file an IFP application, or if it was denied, or if you choose not to rely on the Marshals Service, you will either have to obtain a waiver of service from each defendant, or you will have to serve each defendant. Service and waiver are described in Federal Rule of Civil Procedure 4. Further information on service is available on the court's website or from the Pro Se Intake Unit.

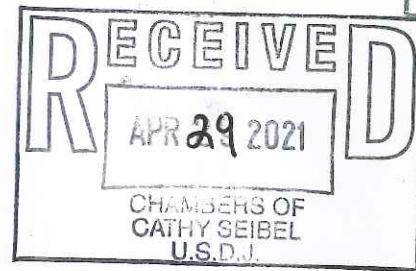
Can I change or amend the complaint after I file it?

Changing a document that has already been filed with the court is known as "amending" the document. Under Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure, you can amend your complaint one time within 21 days after serving the complaint on the defendant. Under Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, if you have not already amended your complaint, you may amend your complaint one time within 21 days after the defendant files an answer or a Rule 12(b), (e), or (f) motion to dismiss, whichever is earlier. You do not need permission from the presiding judge or from the defendant to amend the complaint once under either Rule 15(a)(1)(A) or 15(a)(1)(B).

If you want to amend your complaint more than 21 days after the defendant answers or files a motion to dismiss, or if you want to amend it a second time, Rule 15(a)(2) lets you do so in one of two ways. First, you can file the amended complaint if you get written permission from the defendant(s). When you file the amended complaint, you must also file the document showing that you have permission from the defendant(s) to amend your complaint. Second, if the defendant(s) will not agree to let you amend your complaint, you must file a motion to ask the judge's permission for you to amend your complaint.

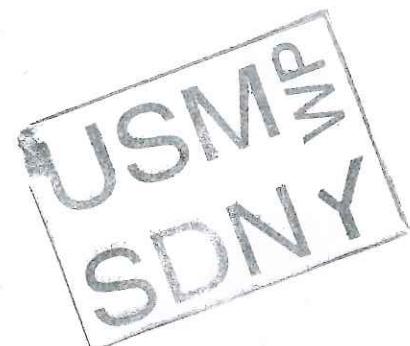
When you file an amended complaint, you must file an entirely new complaint, because an amended complaint completely replaces the original complaint. The caption of your amended

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P.O Box 300
Waymart, PA 18472



Judge Cathy Seibel
United States District Court
300 Quarropas Street
White Plains, N.Y. 10601

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THIS CORRESPONDENCE IS
FROM AN INMATE CURRENTLY
IN THE CUSTODY OF THE
FEDERAL BUREAU OF PRISONS